

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Establishment - Cooperation Department -Sri D.Venkata Swamy,  
Cooperative Sub Registrar (Direct Recruit)-Fixation of Seniority in the cadre  
of CSR - Orders Issued.

**AGRICULTURE & COOPERATION (COOP.II) DEPARTMENT**

**G.O.Rt.No.**

**Dated.21-12.2009,**  
**Read the followings:-**

1. From Sri D.Venkata Swamy, C.S.R. representation addressed to the CC&RCS, A.P. Hyderabad, dt. Nil.
2. From the Registrar of Cooperative Societies, AP, Hyderabad Lr.Rc.No.19058/99, dated 30-01-2001.
3. G.O.Ms.No.100, AGRI & COOP (COOP-II)DEPT. (Coop.II) Deptt., dated 03-04-2001.
4. Notice of the RCS,A.P.Hyderabad,Rc.NO.19058/99 E5,dated.23.4.2001
5. Proceedings of Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad RCS, Hyd, No.19058/1999-E5, dated 30-9-2001.
  6. Judgment dated 12-7-2007 of Hon'ble APAT, Hyd, in O.A.No.4607/2001.
7. Govt. Memo.No.15076/Coop-II(2)/2007, A&C(Coop-II) Dept., dt. 29-3-2008.
8. From the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad Lr.Rc.No.24875/2007, dated 19-09-2007 & 7-8-2008.
9. From the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad Lr.Rc.No.24875/2007, dated 26-09-2008, 30-10-2008, 3.11.2008 & 5-11-2008.

&&&&

**ORDER:**

In the reference 1<sup>st</sup> read above, Sri D.Venkata Swamy, C.S.R has represented to the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad that he appeared for Group-II (A) services in the year 1985, results were declared in the year 1989 and there were some "Non-joining posts" remained vacant and he along with others agitated claiming the said vacancies as they were next in order of merit. The Hon'ble APAT, Hyderabad ordered to appoint them in the dropout vacancies in the cadre of CSRs. As a result, he joined as Cooperative Sub Registrar on 8.12.1993. He requested the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad , to consider to regularize his services with retrospective effect with effect from 16.4.1990 i.e., from the date of joining of Sri S.Ranga Reddy, the last candidate of the batch who joined earlier and assign seniority Sl.No.364 just below his number and grant of all consequential benefits.

**2.** In the reference 2<sup>nd</sup> read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad, has stated that as per orders of the A.P.A.T. in O.A.No.5560, 5605/92 and 1138/93, to appoint the candidates in the rank list of APPSC for dropout vacancies and the dropout vacancies should not be filled by fresh notification, Sri D.Venkataswamy was appointed as C.S.R. in the dropout vacancy and he joined in the post on 8-12-1993. While enclosing a copy of representation of the individual, he has requested the Govt., to issue clarification on fixation of seniority of Sri D.Venkata Swamy, C.S.R (Direct recruit) who appointed against the dropout vacancy of C.S.R.

**3.** Government after examining the representation of the individual in the reference 3<sup>rd</sup> read above, issued orders for fixation of seniority of Sri D.Venkataswamy, C.S.R. after the last candidate of direct recruit C.S.R. joined in 1990 without the roaster in relaxation of the provisions of General Rule 33(a) of the A.P.State and Subordinate Service Rules, 1996.

**4.** The Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad, in the reference 4<sup>th</sup> read above, keeping in view of orders issued in the reference 3<sup>rd</sup> read above, issued show-cause notices to CSRs of Zone-III, who are going to be affected on the proposed fixation of seniority. In reply to the Show-cause-notices, 14 CSRs filed their objections contending the proposed seniority of Sri D.Venkata Swamy, C.S.R. was against the provisions of Rule 33(a)(b) and Rule 16(a) of

A.P.State and Sub-ordinate Services Rules, and against the orders of Govt., on rota/quota in G.O.Ms.No.607,G.A(Ser.A) Dept., dt. 6-11-92, and the instructions issued in Govt. Circular Memo.No.16/Ser.A/93-39, G.A(Ser.A) Dept., dt. 21-4-99. However, the CC&RCS, A.P. Hyderabad, in the reference 5<sup>th</sup> read above, fixed the seniority of Sri D.Venkata Swamy, C.S.R., in the cadre of C.S.R. in Zone-III at Sl.No.365(a) i.e., placing his name just below Sri K.L.S.Vijaya Kumar, C.S.R. whose seniority no. is 365 and ordered for his commencement of probation notionally with effect from 28-9-1990.

**5.** Aggrieved by the above, Sri S.Sharath & 9 other CRS's have filed O.A.4607/2001,before APAT, praying the tribunal to set aside the G.O.Ms.NO.100,A&C(COOP.II)Deptt, dated.3.4.2001,and all the consequential Proceedings issued by the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad . The Hon'ble APAT, in its orders in the reference 6<sup>th</sup> read above, have observed that the Government did not give notice to the affected persons before issue of such orders, and the notices issued by the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad is merely a paper formality, as the mandatory orders have been issued by the Government binding the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad to fix the seniority of Sri D. Venkataswamy, Cooperative Sub Registrar. The Hon'ble APAT set aside the orders issued by the Govt., in G.O.Ms.No.100, A&C(Coop-II) Dept., dt. 3-4-2001.

**6.** After examination of the matter Govt., have decided to issue notices to the affected parties in the matter and to take further action after examining the representations filed by the affected individuals. Accordingly, in the reference 7<sup>th</sup> read above, issued show cause notices the affected Coop. Sub-Registrar of Zone-III to file their objections if any on the proposed fixation of the seniority in respect of Sri D.Venkataswamy after the last candidate of Direct Recruit CSR joined in 1990 without the roster and in relaxation of general rule 33(a) A.P.State & Subordinate Service Rules 1996.

**7.** In the reference 9<sup>th</sup> read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad , has forwarded the objection filed by the following individuals to the Government:-

**S/Sri**

1. S.Venkataiah, CSR, presently working as DCAO, Nellore.
2. S.Sarath, CSR, presently working as, DCO, Nellore,
3. A. Venkata Ratnam, CSR, presently working as SCDR/ Officer on SD, NDCC, Nellore.
4. G.S.Kulashekar, CSR,
5. M.Gurunadham, SCDR/AO, GDCC, Guntur
6. Ch.Kondaiah, DR/AO, DRDA, Ongole.
7. D.P.Ch.Satyanarayana, DCAO, Guntur
8. K.Nageswara Rao, D.L.C.O. Marakapur
9. D.Vara Prasada Rao, C.S.R. Ongole

**8.** The objections raised by the individuals have been examined by the Government and it is observed that Sri D.Venkata Swamy, Joined as Co-op Sub-Registrar, in the non-joining posts of the year **1990**, under Group-II A Services, as per the orders of A.P.A.T., and he joined in the post on 8-12-1993. As per Rule 33(a) of A.P.State and Sub-ordinate Service Rules, 1996 the seniority of a person in a service, class, category or grade shall, unless he has been reduced to a lower rank as a punishment, be determined by the date of his first appointment to such service, class, category or grade. It is further observed that an adhoc rule was issued by Govt., in G.O.Ms.No.607, G.A(Ser.A) Dept., dt. 6-11-1992 clarifying that the inter-se-seniority of direct recruits shall be determined in accordance with rule 33(a) and (b) of State and Sub-ordinate Service Rules. The validity of the orders issued in the said G.O., were upheld by the Hon'ble A.P.A.T. in O.A.No.22/93,7642/92,dt.6-11-1992. Further the Govt., vide Cir.Memo. No. 16/Ser.A/93-39 dt. 21-4-1999 issued specific clarification on fixation of seniority as detailed below:-

- i) for determining the seniority of the employees, the provisions contained in General Rule 33 of the A.P.State and Sub-ordinate service Rules shall be followed;

- ii) the seniority of a direct recruit is to be determined only from the date of his/her joining duty but not from the date on which the vacancy earmarked for a direct recruitment arose;

**9.** Government after careful examination of the matter considers that in view of the provision of rule 33 of A.P.State and Sub-ordinate Service Rules, orders issued in G.O.Ms.No.607, G.A (Ser.A) Dept., dt. 6-11-1992 r/w Cir.Memo. No. 16/Ser.A/93-39 dated. 21-4-1999 the seniority of Sri D.Venkata Swamy, C.S.R. (direct recruit) shall be fixed with effect from the date of his joining in the post i.e., w.e.f. 8-12-1993, but not after the last candidate of direct C.S.Rs, who joined in year 1990 as proposed. Moreover as a matter of policy rules may not be relaxed in favour of a single individual duly affecting the service benefits of other individuals. It is therefore decided to withdraw the orders issued in the reference 3<sup>rd</sup> read above and to direct the competent authority to fix the seniority of the individual strictly in accordance with Rule 33(a) of A.P.State and Sub-ordinate Service Rules, 1996 and as per orders of Government orders in G.O.Ms.No.607, G.A(Ser.A)Deptt, dated.06.11.1992, and instructions issued in Cir.Memo.No.16/Ser.A/93-39,dt. 21-4-1999.

**10.** Accordingly, Government hereby withdraw the orders issued in the reference 3<sup>rd</sup> read above. The CC&RCS, A.P. Hyderabad, being the competent authority is requested to take necessary action to fix the seniority of Sri D.Venkata Swamy, C.S.R. in the cadre of C.S.R (now Asst.Registrar) in accordance with Rules 33(a) of the A.P.State and Sub-ordinate Service Rules, 1996 and also as per instructions issued in Cir.Memo.No.16/Ser.A/93-39,dt. 21-4-1999 as the appointment to any category or post by direct recruitment shall be made as per roster points only given under Rule 22(c) of A.P.State and Sub-ordinate Service Rules, 1996.

**11.** The Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad, shall take necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA  
PRADESH)**

**K.R.KISHORE  
PRINCIPAL SECRETARY TO GOVERNMENT**

**To  
The individual through the Commissioner for Cooperation and  
Registrar of Cooperative Societies, AP, Hyderabad.  
The Commissioner for Cooperation and Registrar of  
Cooperative Societies, AP, Hyderabad.  
S.F/SC.**

**//FORWARDED BY ORDER//**

**SECTION OFFICER**